

AMENDMENT TO THE DRAWINGS

Please replace figures 5e and 6 with the figures included in the attached
“Replacement Sheet”.

REMARKS

This Amendment is in response to the Office Action dated August 23, 2006. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. DRAWINGS

Applicants confirm that the labels for figures 5e and 6 should be interchanged. Accordingly, Applicants enclosed wherein a drawing "Replacement Sheet" in which the labels "FIG. 5e" and "Fig. 6" are interchanged.

II. SPECIFICATION

The specification was objected to because the references to "paragraph 2", "paragraph 3" and "paragraph 4" appearing on pages 10 and 11 were not understood.

These references correspond to headings appearing later in the specification:

"paragraph 2": page 12, line 16: "(2) state basic sections..."

"paragraph 3": page 19, line 3: "(3) state basic trellis..."

"paragraph 4": page 20, line 21: "(4) 64 state basic..."

Accordingly, the corresponding paragraphs on pages 10 and 11 are updated to be more specific.

III. CLAIM REJECTIONS UNDER §112, FIRST PARAGRAPH

Claims 24 and 28 were rejected under section §112 as allegedly failing to satisfy the best mode requirement and allegedly failing to comply with the written description requirement.

The Office Action suggests that claims 24 and 28 are directed to a "device", but suggests no device has been described in the specification. Although Applicants respectfully disagree, claims 24 and 28 are amended to remove reference to a "device". Claim 24 is now directed to a "code", and claim 28 is now directed to a "trellis" which are clearly disclosed in the specification.

Although claims 24 and 28 are amended, Applicants would like to point out that the Patent Office has no basis for alleging the inventor has not disclosed the best mode contemplated by the inventor at the time the application was filed or that a better mode existed.

The rejection based on “best mode” is therefore not proper and Applicants respectfully request that the rejection be withdrawn.

Applicants also disagree with the rejection based on the written description requirement. Applicants have disclosed detailed state equations, state diagrams and trellis sections for the claimed code. Once the code is disclosed, implementation in a “device” is trivial and well known by a person of ordinary skill in the art. Therefore, the written description complies with the written description requirement.

In any case, with the above-amendments, Applicants respectfully request that the rejections under §112, first paragraph, be withdrawn.

IV. CLAIM REJECTIONS UNDER §112, SECOND PARAGRAPH

Claims 1-28 were rejected under §112, second paragraph, as being indefinite. With this Amendment, many of claims 1-28 are amended to convert the English translation of the claims into a form more consistent U.S. practice. Applicants are willing to make further amendments as to form if any further issues remain.

Claims 1-28 were also rejected under §112, second paragraph, as being indefinite due to the format of the method claims. Accordingly, the method claims are amended to more positively recite steps of the claimed method.

With these amendments, Applicants respectfully request that the claimed rejections under §112, second paragraph be withdrawn.

V. CLAIM REJECTIONS UNDER §101

Claims 1-28 were rejected under §101 because the claims allegedly recited characteristics of the invention, without setting forth any steps involved in the process.

As described above, the wording of claims 1-28 is amended to more clearly set forth any method or process steps.


Accordingly, Applicants respectfully request that the rejection under §102 be withdrawn.

In addition, one or more claims are amended to ensure a tangible result.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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